UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TIFFANY HSUEH,

Plaintiff,

-against-

THE NEW YORK STATE DEPARTMENT OF FINANCIAL SERVICES a/k/a THE DEPARTMENT OF FINANCIAL SERVICES and ABRAHAM GUEVARA, *Individually*,

Defendants.

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Case No. 15-cv-03401 (PAC)

DECLARATION OF JOSHUA P. FRANK, ESQ. IN OPPOSITION TO DFS'S MOTION FOR SPOLIATION SANCTIONS

Joshua P. Frank, Esq. declares, under penalty of perjury, that the following is true and correct:

1. I am a member of the Bar of this Court and am counsel at the firm of Phillips & Associates, Attorneys at Law, PLLC, attorneys for Plaintiff in the above-captioned action. As such, I am familiar with all of the facts and circumstances in this action.

2. I submit this declaration in opposition to Defendant DFS's motion for spoliation sanctions.

3. Annexed hereto are the following exhibits:

Exhibit "A": Plaintiff's Civil Action Complaint;

Exhibit "B": Plaintiff's deposition transcript, April 20, 2016 (excerpt);

Exhibit "C": Plaintiff's deposition transcript, September 9, 2016 (excerpt); and

Exhibit "D": Deposition transcript of Andrew Joe, September 16, 2016 (excerpt).

Dated: New York, New York
December 13 , 2016

PHILLIPS & ASSOCIATES, PLLC

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